

NOT FOR CITATIONUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FONDA J. HOUSTON,

Plaintiff,

No. C 04-4443 PJH

v.

REGENTS OF THE UNIVERSITY
OF CALIFORNIA, et al.,**ORDER GRANTING MOTION FOR
LEAVE TO PROPOUND ADDITIONAL
INTERROGATORIES**Defendants.
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This is a disability discrimination case alleging eight causes of action. Defendants are the Regents of the University of California and Heidi Hoffman. The two defendants each propounded 25 interrogatories to plaintiff. They now seek leave to propound an additional 10 interrogatories (total), claiming that each of them mistakenly propounded the same 25, rather than 25 each as is permitted under Federal Rule of Civil Procedure 33. They assert that they have produced more than 10,000 pages of documents to plaintiff, and that plaintiff has identified 26 witnesses in her initial disclosures. They contend that they need the additional interrogatories in order to obtain information to support their motion for summary judgment, and briefly describe a few of the categories of information that they seek.

Plaintiff opposes the motion. She argues that because her deposition has been taken twice – once in this case and once in her worker's compensation case – there is no need for additional interrogatories. She also claims that the "[t]he set provided . . . in the meet-and-confer process is excessively burdensome and objectionable," and that the interrogatories already propounded "cover the case." She argues in addition that the motion should be denied because defendants did not attach the proposed additional interrogatories to their

1 motion, in violation of Civil Local Rule 33-3.¹

2 The court finds that defendants have established good cause for their request. Rule 33
3 allows each defendant in this case to propound 25 interrogatories to plaintiff, and defendants
4 have explained that they inadvertently propounded duplicate interrogatories instead of two
5 different sets of 25. Thus, while it is true that they failed to comply with Local Rule 33-3,
6 compliance with the rule is not necessary, as defendants are each entitled to 25
7 interrogatories. The additional 10 interrogatories is reasonable, and the request is
8 GRANTED.

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10 **IT IS SO ORDERED.**

11 Dated: November 1, 2005



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13 PHYLLIS J. HAMILTON
14 United States District Judge
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26 ¹ Local Rule 33-3 requires that any motion for leave to propound more interrogatories than
27 permitted by Fed. R. Civ. P. 33 "must be accompanied by a memorandum which sets forth each
28 proposed additional interrogatory and explains in detail why it is necessary to propound the
additional questions." Civ. L.R. 33-3. The Declaration of Marcie Isom in support of the
defendants' motion states that a copy of the proposed second set of interrogatories is attached
as Exh 2 to the declaration. However, Exh. 2 is a copy of defendants' second request for
production of documents, not interrogatories.